

# Senate Amendment 5037

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1 1 Amend Senate File 2346 as follows:  
1 2 #1. Page 1, by inserting before line 1 the  
1 3 following:  
1 4 <Section 1. Section 123.47, subsection 1, Code  
1 5 Supplement 2005, is amended to read as follows:  
1 6 1. a. A person shall not sell, give, or otherwise  
1 7 supply alcoholic liquor, wine, or beer to any person  
1 8 knowing or having reasonable cause to believe that  
1 9 person to be under legal age.  
1 10 b. A person who is the owner, lessee, or who has  
1 11 control of property that is not a licensed premises  
1 12 shall not permit any person, knowing or having  
1 13 reasonable cause to believe the person to be under  
1 14 legal age, to consume or possess on such property any  
1 15 alcoholic liquor, wine, or beer.  
1 16 Sec. 2. Section 123.47, subsection 4, Code  
1 17 Supplement 2005, is amended to read as follows:  
1 18 4. Except as otherwise provided in subsections 5  
1 19 and 6, a person who is of legal age, other than a  
1 20 licensee or permittee, who ~~sells, gives, or otherwise~~  
1 21 ~~supplies alcoholic liquor, wine, or beer to a person~~  
1 22 ~~who is under legal age in violation of this section~~  
1 23 ~~violates subsection 1~~ commits a serious misdemeanor  
1 24 punishable by a minimum fine of five hundred dollars.  
1 25 Sec. 3. Section 123.47, subsection 5, Code  
1 26 Supplement 2005, is amended to read as follows:  
1 27 5. A person who is of legal age, other than a  
1 28 licensee or permittee, who sells, gives, or otherwise  
1 29 supplies alcoholic liquor, wine, or beer to a person  
1 30 who is under legal age in violation of ~~this section~~  
1 31 subsection 1, paragraph "a", which results in serious  
1 32 injury to any person commits an aggravated  
1 33 misdemeanor.  
1 34 Sec. 4. Section 123.47, subsection 6, Code  
1 35 Supplement 2005, is amended to read as follows:  
1 36 6. A person who is of legal age, other than a  
1 37 licensee or permittee, who sells, gives, or otherwise  
1 38 supplies alcoholic liquor, wine, or beer to a person  
1 39 who is under legal age in violation of ~~this section~~  
1 40 subsection 1, paragraph "a", which results in the  
1 41 death of any person commits a class "D" felony.  
1 42 Sec. 5. Section 123.92, unnumbered paragraph 3,  
1 43 Code 2005, is amended to read as follows:  
1 44 Notwithstanding section 123.49, subsection 1, any  
1 45 person who is injured in person or property or means  
1 46 of support by an intoxicated person who is under legal  
1 47 age or resulting from the intoxication of a person who  
1 48 is under legal age, has a right of action for all  
1 49 damages actually sustained, severally or jointly,  
1 50 against a person who is not a licensee or permittee  
2 1 and who dispensed or gave any beer, wine, or  
2 2 intoxicating liquor to the intoxicated underage person  
2 3 when the nonlicensee or nonpermittee who dispensed or  
2 4 gave the beer, wine, or intoxicating liquor to the  
2 5 underage person knew or should have known the underage  
2 6 person was intoxicated, or who dispensed or gave beer,  
2 7 wine, or intoxicating liquor to the underage person to  
2 8 a point where the nonlicensee or nonpermittee knew or  
2 9 should have known that the underage person would  
2 10 become intoxicated. If the injury was caused by an  
2 11 intoxicated person who is under legal age, a person  
2 12 who is not a licensee or permittee and who dispensed  
2 13 or gave beer, wine, or intoxicating liquor to the  
2 14 underage person may establish as an affirmative  
2 15 defense that the intoxication did not contribute to  
2 16 the injurious action of the underage person. For  
2 17 purposes of this paragraph, "dispensed" or "gave"  
2 18 means the act of physically presenting a receptacle  
2 19 containing beer, wine, or intoxicating liquor to the  
2 20 underage person, or intentionally making available a  
2 21 receptacle containing beer, wine, or intoxicating  
2 22 liquor to the underage person with direct knowledge  
2 23 that the underage person intends to consume the beer,  
2 24 wine, or other intoxicating liquor, but without

~~2 25 physically presenting such receptacle to the underage~~  
~~2 26 person, whose actions or intoxication results in the~~  
2 27 sustaining of damages by another person. However, a  
2 28 person who dispenses or gives beer, wine, or  
2 29 intoxicating liquor to an underage person, or who  
~~2 30 intentionally makes available a receptacle containing~~  
~~2 31 beer, wine, or intoxicating liquor to an underage~~  
~~2 32 person, shall only be liable for any damages if the~~  
2 33 person knew or should have known that the underage  
2 34 person was under legal age.>  
2 35 #2. Title page, line 1, by striking the words  
2 36 <relating to driver education> and inserting the  
2 37 following: <concerning the operation of motor  
2 38 vehicles by minors by establishing criminal and civil  
2 39 liability for providing alcoholic beverages to persons  
2 40 under legal age, and including driver education  
2 41 requirements,>.  
2 42 #3. Title page, lines 3 and 4, by striking the  
2 43 words <a penalty> and inserting the following:  
2 44 <penalties>.  
2 45 #4. By renumbering as necessary.  
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